

Opinion No. 62-68—March 16, 1962

SUBJECT: PHYSICAL THERAPIST—Adjustment of spine does not come within authorized practice of either registered or licensed.

Requested by: BOARD OF CHIROPRACTIC EXAMINERS

Opinion by: STANLEY MOSK, Attorney General

William T. Chidlaw, Deputy

The Board of Chiropractic Examiners has asked the opinion of this office on the following question:

Is a licensed physical therapist authorized to adjust the spine of a patient?

The conclusion is as follows:

The adjustment of the spine of a person does not come within the authorized practice of a physical therapist whether he be registered under chapter 5.6 or licensed under chapter 5.7 of Division 2 of the Business and Professions Code.

ANALYSIS

Under California law there are two types of physical therapists, the registered physical therapist under chapter 5.6 of Division 2 of the Business and Professions Code (beginning with § 2600) and the licensed physical therapist under chapter 5.7 (beginning at § 2650). As far as the licensed physical therapist is concerned, physical therapy is defined in § 2660 as follows:

"The term 'physical therapy' shall mean the treatment of any bodily or mental condition of any person by the use of the physical, chemical, and other properties of heat, light, water, electricity, massage, and active, passive, and resistive exercise. The use of roentgen rays and radium, for diagnostic and therapeutic purposes, and the use of electricity for surgical purposes, including cauterization, are not authorized under the term 'physical therapy' as used herein, and a license issued hereunder shall not authorize the diagnosis of disease."

As far as registered physical therapists are concerned § 2601 defines physical therapy as follows:

"'Physical therapy' means the treatment of any bodily or mental condition of any person by the use of the physical, chemical, and other properties of heat, light, water, or electricity, and by massage and active or passive exercise. The use of roentgen rays and radium, for diagnostic and therapeutic purposes, and the use of electricity for surgical purposes, including cauterization, are not authorized under the term 'physical therapy' as used herein."

The only possible support for the proposition that a physical therapist may adjust the spine is found in the use of the word "massage" in these two sections. The word "massage" in its ordinary and common meaning generally refers to activity involving the muscles than the bony structure. In that connection Webster's

New International Dictionary, Second Edition, defines the word "massage" as follows:

"A method of treating the superficial soft parts of the body for remedial or hygienic purposes, consisting in rubbing, stroking, kneading, tapping, etc., with the hand or an instrument."

"Massage" is defined in Blakiston's New Gould Medical Dictionary as follows:

"The act of rubbing, kneading, or stroking the superficial parts of the body with the hand or with an instrument, for the purpose of modifying nutrition, restoring power of movement, breaking up adhesions, etc."

Both in definition and practice there is a great deal of difference between massaging the muscles surrounding the spine and actually manipulating and adjusting the various bones that make up the spine. Consequently, the word "massage" would not appear to have such a broad meaning as to allow a physical therapist to engage in what has been traditionally held to be the practice of chiropractic. Chiropractic has been defined in several court cases. The leading case in which the scope of the practice is defined is *People v. Fowler*, 32 Cal. App. 2d Supp. 737, 745-746. The basic definition of the scope of that practice taken from Webster's New Standard Dictionary and quoted in the *Fowler* case states that it is "A system of [or] the practice of adjusting the joints, *especially of the spine*, by hand for the curing of disease." (Italics added) Consequently, from the *Fowler* case it is clear that the adjusting of the spine by hand for the curing of a disease constitutes the practice of chiropractic. Section 15 of the Chiropractic Act provides, in part, as follows:

"Any person who shall practice or attempt to practice chiropractic . . . without first complying with the provisions of this act . . . shall be guilty of a misdemeanor. . . ."

In view of the foregoing it is concluded that a physical therapist would be acting outside the scope of his license if he were to adjust the spine of a person.
